IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1699 OF 2005

M/s All India Manufacturers Orgn.& anr..Petrs

vs

General Kamgar Union (Red Flag) & anr. Respts

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Mr.K.S.Bapat for Petrs.

None for Respts

CORAM : D.G. KARNIK, J

DATED : 11th July 2005.

P.C.

1. Heard learned counsel for the petitioners. The only ground which has been urged in support of the petition is that the workmen are on illegal strike and a reference as to the illegality of the strike is pending before the Labour Court which has not been considered by the Labour Court. I have perused the reply to the application filed by the petitioner before the Labour Court. In reply no

contention was raised that a reference for determining the illegality of the strike was pending. In the circumstances, the Labour Court had no occasion to consider the issue which was not raised. Learned counsel for the petitioners state that subsequently a review petition was filed in which this contention was specifically raised. This contention could have been raised by the petitioners initially and there is no reason to permit the respondents to raise this contention by means of the review petition. This is all the more so because the order is not final but, it is an interlocutory order. The petitioners can raise the contention at the time of the final hearing of the petition. No interference is called for in the interlocutory order. Hence, petition rejected.

D.G.KARNIK, J